

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #9	CCRB Case #: 201806062	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/19/2018 4:10 PM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 1/19/2020	EO SOL 1/19/2020	
Date/Time CV Reported Tue, 07/24/2018 11:58 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/24/2018 11:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM David Brady	02583	959504	070 PCT
2. POM Nicholas Romanelli	21535	959948	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Romanelli	Abuse: Police Officer Nicholas Romanelli threatened to arrest § 87(2)(b)	
B.POM David Brady	Abuse: Police Officer David Brady threatened to remove § 87(2)(b) to the hospital.	

Case Summary

On July 24, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB.

On July 19, 2018, at approximately 4:10 p.m., § 87(2)(b) was in his apartment at § 87(2)(b) in Brooklyn when he called 911 for a noise complaint. § 87(2)(b) is involved in an ongoing landlord-tenant dispute involving multiple noise complaints against his upstairs neighbor. Police Officer David Brady and Police Officer Nicholas Romanelli, both of the 70th Precinct, responded to the building and spoke to § 87(2)(b) through his open apartment door. PO Brady allegedly threatened to arrest § 87(2)(b) (**Allegation A – Abuse of Authority: § 87(2)(g)**). The officers left the building.

Later that day, at approximately 5:17 p.m., § 87(2)(b) again called 911, and PO Brady and PO Romanelli again responded to § 87(2)(b)'s apartment. PO Brady allegedly threatened to remove § 87(2)(b) to the hospital (**Allegation B – Abuse of Authority: § 87(2)(g)**). The officers left the building. No arrests were made or summons issued as a result of this incident.

No video footage was available for this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Nicholas Romanelli threatened to arrest

§ 87(2)(b)

Allegation B – Abuse of Authority: Police Officer David Brady threatened to remove § 87(2)(b) to the hospital.

It is undisputed that § 87(2)(b) is a frequent 911 caller in regards to noise complaints against his upstairs neighbor.

According to § 87(2)(b) he buzzed PO Romanelli and PO Brady into the building, opened his apartment door and spoke to the officers in his doorway (Board Review 01). § 87(2)(b) explained that his complaint was not a noise complaint but rather a harassment complaint because of his multiple incidents with the same apartment. PO Romanelli told § 87(2)(b) “You know, you can’t call us anymore or we’ll take you to jail.” PO Brady responded, “We’ll go upstairs and tell them to knock it off.” § 87(2)(b) mentioned that he has high blood pressure, and PO Brady offered to call an ambulance for § 87(2)(b) which he declined. § 87(2)(b) believed that PO Romanelli and PO Brady walked upstairs, knocked on the upstairs apartment door (to no answer), and left the building. An hour later, the upstairs noise continued, and § 87(2)(b) called 911 again and the same officers responded and spoke with him through the opened door. PO Brady twice said to § 87(2)(b) that if he called 911 again, he would “take him to Maimonedes.” § 87(2)(b) responded, “No thanks, I’ve been.”

According to the 911 audio and Events, § 87(2)(b) requested the police to respond to his apartment in regards to a child upstairs banging a hammer on the floor and noted that his medical condition made this noise life-threatening, and he did not request an ambulance (Board Review 04; Board Review 05; Board Review 06).

PO Romanelli’s and PO Brady’s statements were largely consistent with § 87(2)(b)'s. However, both officers denied threatening to arrest § 87(2)(b) or threatening to forcibly remove him to the hospital.

According to PO Romanelli, during the second visit to § 87(2)(b)'s apartment, PO Romanelli offered to call an ambulance for § 87(2)(b) after discussion about his medical condition (Board Review 02). § 87(2)(b) asked, “Are you threatening to arrest me?” PO Romanelli said, “No, we’re not threatening to arrest you, we’re trying to provide you medical attention.”

According to PO Brady, he offered to § 87(2)(b) to call EMS in regards to his profuse sweating (Board Review 03). § 87(2)(b) said, “Fuck you, I don’t need to fucking go to the hospital, who the fuck do you think you are?” before slamming his apartment door.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is first CCRB complaint to which § 87(2)(b) has been a party.
- PO Brady has been a member-of-service for 3 years and this is his first CCRB complaint.
- PO Romanelli has been a member-of-service for 3 years and this is his first CCRB complaint.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of December 26, 2018, no Notice of Claim has been filed with the NYC Comptroller’s office regarding this incident (Board Review 07)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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